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HOUSE BILL NO. 2498

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance
on February 6, 2007)

(Patron Prior to Substitute—Delegate Orrock)

A BILL to amend and reenact § 58.1-339.7 of the Code of Virginia, relating to a residential tax credit for increased accessibility and visitability.

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-339.7 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-339.7. Livable Home Tax Credit.

A. For taxable years beginning on and after January 1, 2000, any taxpayer who *purchases a new residence or retrofits or hires someone to retrofit a an existing residence with one or more accessibility features, as defined in this section, provided that such new residence or the retrofitting of such existing residence is designed to improve accessibility, provide universal visitability, and meets the eligibility requirements established by guidelines developed by the Department of Housing and Community Development, shall be entitled to allowed a credit against the tax imposed pursuant to § 58.1-320 of an amount equal to \$500 for such new residence or twenty-five percent of the total amount spent for such features, provided such features are not otherwise required by law the retrofitting of such existing residence. The amount of the credit allowed for the retrofitting of an existing residence shall not exceed \$500. Such a credit shall require application by the taxpayer as provided in subsection C. For purposes of this section, the purchase of a new residence means a transaction involving the first sale of a residence or dwelling.*

For purposes of this section, "accessibility features" means (i) one no-step entrance allowing access into the residence; (ii) interior passage doors providing a thirty-two-inch wide clear opening; (iii) reinforcements in bathroom walls and installation of grab bars around the toilet, tub, and shower; (iv) light switches and outlets placed in wheelchair-accessible locations; and (v) universal design features or those accessibility or adaptability features prescribed in the Virginia Uniform Statewide Building Code (USBC), as amended.

B. ~~The amount of the credit shall not exceed \$500 or~~*In no event, however, shall the credit allowed under subsection A exceed the total amount of tax imposed by this chapter; whichever is less, in the year such features are completed in which such purchase or retrofitting is completed.* If the amount of the credit exceeds the taxpayer's tax liability for such tax year, the amount ~~which~~*that* exceeds such liability may be carried over for credit by the taxpayer in the next five taxable years until the total amount of the tax credit has been taken.

C. Eligible taxpayers shall apply for the credit by making application to the Department of Housing and Community Development. *The Department of Housing and Community Development shall issue a certification for an approved application to the taxpayer. The taxpayer shall attach the certification to the individual income tax return.* The total amount of tax credits granted under this section for any taxable year shall not exceed \$1 million. In the event applications for the tax credit exceed the \$1 million amount, the Department of Housing and Community Development shall apportion the money by dividing the \$1 million by the total amount of tax credits applied for to determine the percentage each taxpayer shall receive.

2. That the Department of Housing and Community Development shall develop guidelines establishing the eligibility requirements for the credit under § 58.1-339.7 of the Code of Virginia by September 30, 2007.

3. That the provisions of this act shall be applicable to new residences purchased or existing residences retrofitted in taxable years beginning on or after January 1, 2008.

SENATE SUBSTITUTE

HB2498S1